

US Patent Application No.: 10/043,947
Amendment dated October 17, 2005
Reply to Office Action of April 19, 2005

612-07-CIP

REMARKS/ARGUMENTS

This paper is submitted in response to the Final Office Action mailed April 19, 2005. Reconsideration is respectfully requested. A Request for a Three Month Extension of Time under 37 CFR 1.136(a) is submitted herewith, along with the fee prescribed by 37 CFR 1.17(a)(3). The response is therefore timely.

In the Final Office Action, claims 1-3, 9, 12-17, 20, 21, 23, 26-34, and 39-41 were examined, claims 4, 10, 11, 19, 22, 24, 25 having been withdrawn pursuant to a restriction/election requirement. Of the claims that were examined, claims 1-3, 9, 12, 14-17, 20, 21, 23, 26, 28-34, and 39-41 were rejected. Claims 13 and 27 were objected to as depending from rejected claims, but were held to define patentable subject matter.

By this amendment, claim 1 has been amended to incorporate the allowable subject matter of claim 13 (including all of the limitations of intervening claim 12), and claim 20 has been amended to incorporate the allowable subject matter of claim 27 (including all of the limitations of intervening claim 26). Thus, claim 1, as amended, is, effectively claim 13 in independent form, and claim 20, as amended, is, effectively claim 27 in independent form. Claims 1 and 20, therefore, are respectively submitted to be allowable, as amended.

Claims 2, 3, 9, and 14-17 now depend from amended claim 1, and should be allowable therewith. Claims 21, 23, and 28-31 now similarly depend from amended claim 20, and should, likewise, be allowable therewith. Claims 12, 13, 26, and 27 have been canceled as redundant, and the claims that were previously withdrawn pursuant to the restriction/election requirement have also been canceled.

It is therefore respectfully submitted that independent claims 1 and 20, as amended, are allowable, as are dependent claims 2, 3, 9, 14-17, 21, 23, and 28-31. Since this amendment under 37 CFR 1.116 puts the application in condition for allowance by canceling rejected and withdrawn claims, and by complying with the requirements for amending the claim set forth in the Final Office Action, it is respectfully submitted that entry of this amendment is proper under 37 CFR 1.116(b)(1).

In a telephonic interview between the undersigned attorney and Examiner Ho on October 17, 2005, it was agreed that if claim 1 were amended to incorporate all of the limitations of claims 12 and 13, and if claim 20 were amended to incorporate all of the limitations of claims 26

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and 27, then claims 1 and 20 would be allowable, and the entry of this amendment under 37 CFR 1.116 would be proper. Applicant believes that this amendment complies with the Examiner's requirements. To assure that the application does not go abandoned, it was further agreed that a courtesy copy of this response will be faxed to Examiner Ho concurrently with its filing by fax to the central PTO fax center. Should the Examiner, upon reviewing the amendment, believe that it does not merit entry under 37 CFR 1.116, it was agreed that she will telephone the undersigned attorney not later than October 19, 2005 either to afford the opportunity to enter an examiner's amendment to put the application in condition for allowance, or to allow the applicant to file a Notice of Appeal under 37 CFR 41.31 to prevent the abandonment of the application.

The undersigned attorney, on behalf of the Applicant, expresses his thanks to Examiner Ho for the courtesies discussed above in the aforementioned telephonic interview.

In summary, it is respectfully submitted that claims 1-3, 9, 14-17, 20, 21, 23, and 28-31, as amended, define patentably over the art of record and should be allowed. Passage of the application to issue is therefore respectfully requested.

Respectfully submitted,



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Date: October 17, 2005

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Attorney Docket No. 612-07-CIP